

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

| | | |
|-----------------------------|---|-------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| <i>Plaintiff-Appellant,</i> |) | |
| |) | |
| v. |) | No. 20-4441 |
| |) | (1:04-cr-385-LMB) |
| |) | |
| ALI AL-TIMIMI, |) | |
| |) | |
| <i>Defendant-Appellee.</i> |) | |
| |) | |

**EMERGENCY MOTION FOR EXTENSION OF TIME UNTIL
8/31/2020 TO FILE MEMORANDUM RESPONSE BRIEF**

Defendant-Appellee Dr. Ali Al-Timimi respectfully moves this Court for an extension of time—until Monday, August 31, 2020—to file his Memorandum Response Brief. In further support, the defenses states as follows:

1. On August 18, 2020, the district court granted Al-Timimi’s motion for conditional release pending his appeal, issuing an Order [Dkt. No. 520] and accompanying Memorandum Opinion [Dkt. No. 519]. The Order provides for the defendant’s immediate conditional release into home confinement at the conclusion of a 14-day quarantine period. Dkt. No. 520 at 1.

2. On August 25, 2020—seven days after the entry of the district court’s Order (and halfway through the defendant’s court-ordered quarantine period)—the government noticed this appeal. The government did not give the defense prior notice that it would be seeking appellate relief.

3. On August 26 (yesterday), the government filed a motion for stay of the Order with the district court. Dkt. No. 525. Just before midnight, it filed an appendix and appellate brief with this Court.

3. Late this afternoon, this Court issued an updated scheduling order, moving the due date for the defense’s Memorandum Response Brief from September 8, 2020 to tomorrow at noon.

4. Counsel are presently briefing their opposition to the government’s motion for stay, which they intend to file with the district court late tonight.

5. Counsel respectfully seek this extension to ensure that the appellate issues can be appropriately briefed with this Court to facilitate a ruling on the merits. Moreover, because the government did file its appellate brief until eight days after the issuance of the Order under review, the defense respectfully submits that a briefing deadline

just 17 hours from now would prejudice counsel's ability to fairly and fully respond. Moreover, any argument by the government that its appeal is urgent or time-sensitive is strongly undermined by the delay it took in noticing it.

6. The parties have conferred, and the government has advised that it opposes the extension.

Respectfully submitted,

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Dated: August 27, 2020

CERTIFICATE OF SERVICE

I certify that on August 27, 2020, I will file the foregoing document on the CM/ECF system, which will then electronically serve it on all counsel of record.

/s/ Thomas M. Huff

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